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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,623	01/09/2002	Michael Blocher	GER8707	4371
7590	02/25/2004		EXAMINER	
The Black & Decker Corporation 701 East Joppa Road-TW 199 Towson, MD 21286			HONG, JOHN C	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,623	BLOCHER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John C. Hong	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-5, 7-13 and 15-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- (1) Claim 2, lines 6 and 7, “the relative movement” lacks antecedent basis.
- (2) Claim 5, line 2, “the measured deformation” lacks antecedent basis.
- (3) Claim 7, line 3, “(40” should be --(40)—
- (4) Claim 7, lines 7 and 11, “the relative movement” lacks antecedent basis.
- (5) Claim 8, line 2, “the setting’ lacks antecedent basis.
- (6) Claim 10, line 8, “the relative movement’ lacks antecedent basis.
- (7) Claim 10, line 14, “the measured value” lacks antecedent basis.
- (8) Claim 12, line 4, “the movement of the male die” lacks antecedent basis.
- (9) Claim 13, line 2, “the measured deformation” lacks antecedent basis.
- (10) Claim13, line 4, “ the process’ lacks antecedent basis.
- (11) Claim 15, line 2, “the movement” lacks antecedent basis.
- (12) Claim 15, line 3, “the first sensor” lacks antecedent basis.
- (13) Claim 16, line 4, “the rivets” lacks antecedent basis.
- (14) Claim 16, line 4, “the process” lacks antecedent basis.
- (15) Claim 17, line 4, “the direction” lacks antecedent basis.

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- (16) Claim 17, lines 7 and 9, “the relative movement” lacks antecedent basis.
- (17) Claim 18, line 1, “The combination” lacks antecedent basis.
- (18) Claim 19, line 3, “the deformation’ lacks antecedent basis.
- (19) Claim 20, line 4, “the direction” lacks antecedent basis.
- (20) Claim 20, lines 7 and 9, “the relative movement” lacks antecedent basis.
- (21) Claim 21, line 1, “The combination” lacks antecedent basis.
- (22) Claim 22, line 2, “the value” lacks antecedent basis.
- (23) Claim 22, line 3, “ the deformation” lacks antecedent basis.
- (24) Claim 23, line 4, “(40” should be -- (4)—
- (25) Claim 23, lines 7 and 9, “ the relative movement’ lacks antecedent basis.
- (26) Claim 24, “The combination” lacks antecedent basis.
- (27) Claim 25, line 2, “the value” lacks antecedent basis.
- (28) Claim 25, line 3, “the deformation’ lacks antecedent basis.
- (29) Claim 26, line 4, “the direction’ lacks antecedent basis.
- (30) Claim 26, lines 7 and 9, “the relative movement” lacks antecedent basis.
- (31) Claim 27, line 1, “The combination” lacks antecedent basis.
- (32) Claim 28, line 2. “the value” lacks antecedent basis.
- (33) Claim 28, line 3, “the deformation” lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of JP62179825.

AAPA as found on page 1, lines 6-19 of the specification, discloses :

Regarding Claim 1, A method of operating on a workpiece (6) comprising the steps of:  
while the counterforce structure (9) carries the workpiece (6)

deforming a C-shaped counterforce structure (9) with a sufficiently large force;

Regarding Claim 6 , A method of riveting a workpiece (6) comprising the steps of:  
deforming a C-shaped counterforce structure (9) with a sufficiently large force,  
while the counterforce structure (9) carries the workpiece (6);

and Regarding Claim 14, A method of piercing a workpiece (6) carried on a C-shaped counterforce structure (9) comprising the steps of:

deforming a C-shaped counterforce structure (9) with a sufficiently large force,  
while the counterforce structure (9) carries the workpiece (6).

But AAPA fails to teach the steps of: measuring the deformation of the C-shaped counterforce structure (9); and  
correcting the force of the operation to a predetermined amount to produce a

uniform result responsive to the extent of the deformation (Regarding Claim 14, correcting the force of the piercing to a predetermined amount to produce a uniform result responsive to the extent of the deformation.

‘825 teaches the step of measuring the deformation of a pad (14) (the C-shaped counterforce structure); and  
correcting the force of the operation to a predetermined amount to produce a uniform result responsive to the extent of the deformation (Abstract; Figs. 4-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the step of ‘825 on the method of AAPA, so as to perform the clearance adjustment of the metal die quickly and accurately.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 703-305-0779. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Peter Vo can be reached on 703-308-1784. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John C. Hong  
Primary Examiner  
Art Unit 3726

jh

February 22, 2004